IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

W.P(C).No. 36694 of 2007(R)

PETITIONER:

1. **USHA G. PILLAI,**
   KOCHIKKATTIL HOUSE, VADATTUPARA P.O., ERNAKULAM.

2. **SREE GANAPATHY PILLAI,**
   KOCHIKKATTIL HOUSE, VADATTUPARA P.O., ERNAKULAM.

BY ADV. SRI.S.M.PREM
SMT.K.P.SANTHI
SRI.S.S.HUSSAIN
SRI.P.K.NIJOY

RESPONDENTS:

1. **STATE OF KERALA,**
   REPRESENTED BY THE SECRETARY TO GOVERNMENT,
   REVENUE DEPARTMENT, SECRETARIAT,THIRUVANANTHAPURAM

2. **M/S. KERALA FINANCIAL CORPORATION,**
   VELLAYAMBALAM, THIRUVANANTHAPURAM-695033,
   REPRESENTED BY ITS MANAGING DIRECTOR.

3. **THE DISTRICT MANAGER,**
   KERALA FINANCIAL CORPORATION, PAZHAMANNIL JESSY TOWERS, COLLEGE ROAD, PATHANAMTHITTA-689645.

4. **THE DEPUTY TAHSILDAR (REVENUE RECOVERY),**
   KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY GOVT. PLEADER, SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 36694 OF 2007 R

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Dated this the 12th December, 2007

J U D G M E N T

Petitioners, against whom proceedings were initiated by the respondent Corporation, have approached this Court contending that though the property mortgaged have been sold to a stranger, they are now willing to pay off the sale value to the Corporation. On this basis the petitioners pray that the Corporation be directed to re-convey the property to the petitioners.

2. Standing Counsel for the Corporation submits that in the sale that was conducted the property was purchased by a stranger and that the purchaser has already remitted 1/3rd of the bid amount. In view of the aforesaid facts, I am not prepared to direct the Corporation to accept the offer made by the petitioners and re-convey the the property to the petitioners. However, if the petitioners are so advised they may institute proceedings, impugning the sale with the buyer also in the party array.

3. At this stage counsel for the petitioners complains that the petitioners are unaware of the whereabouts of the bidder and as a result thereof, they are not in a position to proceed with the bidder on the party array. In my view the grievance is certainly genuine and the Corporation will provide the address and other particulars of the person who has purchased the property in auction.

4. Without prejudice to the rights of the petitioners to impugn the same or seek appropriate reliefs this writ petition is closed.

ANTONY DOMINIC
JUDGE

jan/-